

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**PROPOSED AMENDMENT**

**11 CSR 45-1.015 Code of Ethics.** The commission is amending section (1), deleting sections (10) and (13), and renumbering sections (11) and (12).

*PURPOSE: This amendment removes unnecessary language.*

(1) Standard of Compliance for Commission and its Employees. Each member of the commission and all of its employees are directed to read and comply with this Code of Ethics and with Executive Order 92-04 dated January 31, 1992[*, a copy of which is attached hereto, and is incorporated by reference*]. For the purposes of this Code of Ethics, the term employee shall include all direct employees of the commission as well as all persons who are employed by entities which have contracted with the commission to perform investigations or have entered into a Memorandum of Understanding with the commission where specific mention is made of this Code of Ethics. The commission shall be responsible for the enforcement of applicable statutes, the provisions of the Executive Order and this rule by the suspension or discharge of the employee or other disciplinary action as the commission deems appropriate. The definitions at 11 CSR 45-5.056(1)(H) and (K) shall be applicable to this Code of Ethics.

*[(10) Violations of Sunshine Law Prohibited. The Missouri Gaming Commission and its employees are directed to set the highest standards for open meetings and compliance with Chapter 610, RSMo. No commissioner or commission employee shall conduct any official business unless there is proper compliance with Chapter 610, RSMo.]*

*[(11)] (10) Confidential Information.* No member or employee of the commission shall use or disclose confidential information gained in the course of or by reason of the member's or employee's official position or activities to further the member's or employee's own financial or political interests or the financial or political interests of anyone else.

*[(12)] (11) Confidential Information.* A former member of the commission having information that s/he knows is confidential governmental information, or knew was confidential government information at the time the member or employee acquired the information, about a person or matter subject to the jurisdiction of the commission while the member or employee was associated with the commission, may not disclose such information without the consent of the commission granted prior to such disclosure and after complete disclosure to the commission of the information sought to be disclosed, all persons to whom the information is to be disclosed, and the reasons for such disclosure. Confidential information means information that has been obtained under governmental authority and which, at the time this rule is applied, the government or the Missouri Gaming Commission is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.

*[(13) No member or employee of the commission or person who has been a member or employee of the commission within the previous two (2) years may be a representative or agent of the holder of or applicant for a Class A or supplier's license.*

EXECUTIVE ORDER

92-04

*WHEREAS, public confidence in the integrity of the government of the State of Missouri is of utmost importance; and*

*WHEREAS, the executive branch of state government must discharge its duties in an independent and impartial manner; and*

*WHEREAS, executive branch employees must treat the public and fellow employees with respect, courtesy, and dignity, and provide equal access to services for all members of the public; and*

*WHEREAS, executive branch employees' conduct not only must be within the letter of the law but must seek to fulfill the spirit and intent of the law; and*

*WHEREAS, executive branch employees must provide a full day's work for a full day's pay, giving to the performance of their duties their earnest effort and best thought; and*

*WHEREAS, executive branch employees must demonstrate the highest standards of personal integrity and honesty and must not realize undue personal gain from the performance of any official duties; and*

*WHEREAS, executive branch employees are responsible for enhancing the mission of their agencies; and*

*WHEREAS, a clear statement of the code of conduct which guides the executive branch is both an assurance to the citizens of Missouri and an aid to our steadfast efforts;*

*NOW, THEREFORE, I, JOHN ASH-CROFT, GOVERNOR OF THE STATE OF MISSOURI, UNDER THE AUTHORITY VESTED IN ME UNDER THE CONSTITUTION AND THE LAWS OF THIS STATE, INCLUDING THE PROVISIONS OF SECTION 105.969 RSMO CUM. SUPP. 1992, DO HEREBY SET FORTH A CODE OF CONDUCT FOR EXECUTIVE BRANCH EMPLOYEES OF MISSOURI STATE GOVERNMENT (EXCEPTING THE EMPLOYEES OF THOSE ELECTED OFFICIALS WHO ARE TO ESTABLISH AN INTERNAL CODE OF CONDUCT FOR THEIR OFFICES):*

#### *CODE OF CONDUCT*

*1. Executive branch employees shall conduct the business of state government in a manner which inspires public confidence and trust.*

*A. Employees shall avoid any interest or activity which improperly influences, or gives the appearance of improperly influencing, the conduct of their official duties.*

*B. Employees shall act impartially and neither dispense nor accept special favors or privileges which might be construed to improperly influence the performance of their official duties.*

*C. Employees shall not allow political participation or affiliation to improperly influence the performance of their duties to the public.*

*D. Employees shall not engage in business with state government, hold financial interests, or engage in outside employment when such actions are inconsistent with the conscientious performance of their official duties.*

*E. Employees shall not use or improperly possess an illegal controlled substance or alcohol in the workplace or during working hours.*

*F. Employees of the State are expected to comply with the statutes of Missouri at all times.*

*2. Executive branch employees shall conduct themselves in scrupulous compliance with applicable federal, state and local law.*

*A. Employees shall observe all conflict of interest provisions in law applicable to their agencies and positions of employment.*

*B. Employees shall adhere to all laws providing equal opportunity to all citizens.*

*C. Employees shall perform their responsibilities as they are specified in law or other authority establishing those responsibilities.*

*3. Financial compensation of state employment consists of only authorized salaries and fringe benefits.*

*A. Employees shall not use their public positions in a manner designed to create personal gain.*

*B. Employees shall not disclose confidential information gained by reason of their public positions, nor shall employees use such information for personal gain or benefit.*

*C. Employees shall not directly or indirectly attempt to influence agency decisions in matters relating to prospective employers with whom employment has been accepted or is being negotiated.*

*4. Executive branch employees owe the public the diligent application of their knowledge, skills and abilities for which they are compensated.*

*A. Employees shall not perform outside employment or other activities not appropriate during hours compensated for state employment and will use leave and other benefits provided by the State only for the purposes intended.*

*B. Employees shall carry out all lawful instructions of designated supervisors, and will report instructions not consistent with law to the proper authorities.*

*5. Equipment, material and supplies purchased with public funds are intended for the performance of public purposes only.*

*A. Employees shall use and maintain state equipment, materials and supplies in an efficient manner which will conserve future usefulness.*

*B. Employees shall use state equipment, materials and supplies solely for purposes related to the performance of state business.*

*6. The work of state government will be conducted with respect, concern and courtesy toward clients, co-workers and the general public.*

*A. Employees shall approach their duties with a positive attitude and constructively support open communication, dedication and compassion.*

*B. Employees shall conduct their duties with courtesy toward clients, co-workers, patients, inmates and the general public, recognizing the diverse background, characteristics and beliefs of all those with whom they conduct state business.*

*C. Employees shall not engage in any form of illegal harassment or discrimination in the workplace, including on the basis of race, color, religion, national origin, ancestry, sex, age or disability.*

*D. Employees, in connection with the performance of their duties, shall not seek sexual favors from a client, co-worker, patient, inmate or member of the public.*

*7. This code shall provide guidance to the officials and employees of the executive branch of Missouri state government in matters of employment related conduct.*

*A. When questions arise in the application of this code, the public interest will receive primary consideration in any resolution.*

*B. This code is not intended to fully prescribe the proper conduct of employees and the failure to prohibit an employee action in this code does not constitute approval of the action.*

*C. This code is intended as a supplement to the provisions in law which govern employee conduct, and in no instance does it decrease the requirements in law.*

*D. Agency heads are responsible for promoting and enforcing this code of conduct among the employees of their agencies in accordance with their respective agency procedures, and shall supplement it with additional provisions to meet the needs of their agencies.*

*E. This code is intended to provide guidance for employment related conduct and is not intended to create any right or benefit enforceable by law.*

*F. No state agency or appointing authority shall discharge, threaten or otherwise retaliate against an employee for reporting in good faith any violation of this code.*

*G. In applying this code to specific situations, the standard to be used is that of a reasonable person having knowledge of the pertinent circumstances.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 31st day of January, 1992.*

*(Signature)* \_\_\_\_\_  
GOVERNOR

ATTEST

*(Signature)* \_\_\_\_\_  
SECRETARY OF STATE]

*AUTHORITY: section 313.004.4, RSMo [2000] 2016. Original rule filed March 29, 1994, effective Sept. 30, 1994. Emergency rule filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed Nov. 10, 1998, effective June 30, 1999. Amended: Filed Sept. 29, 2011, effective May 30, 2012. Amended: Filed: April 26, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*